

# **DNREC and Perdue AgriRecycle, LLC reach settlement agreement on Solid Waste Permit violations**

**Dover** – Delaware's Department of Natural Resources and Environmental Control (DNREC) and Perdue AgriRecycle, LLC (Perdue) have entered into a settlement agreement that resolves environmental violations arising from operations under Composting Permit SW-18/03, DNREC Secretary Shawn M. Garvin announced today.



Under this permit, Perdue operates a composting facility in Seaford using agricultural wastes and residues from their operations as feedstock for the company's compost production.

Perdue's permit requires quarterly reporting of analytical testing of compost batches to ensure that it is fit to be sold. Issues arose from lab reports being provided in a piecemeal manner to DNREC. Additionally, the reports were missing key data points, and DNREC's Division of Waste & Hazardous Substances questioned the compost batch samples and their chain-of-custody. Chain-of-custody helps to make sure a sample is handled in such a way as to maintain quality control and prevents introducing potential contamination into the process of moving the sample from the field to the lab.

In addition to the piecemeal data reporting, there were other instances where incorrect data was provided to DNREC as part of Perdue's quarterly reporting process. In these instances, subsequent review of data showed that the material in question exceeded allowable levels of chemicals including chromium VI and fecal bacteria.

The settlement agreement directs Perdue to change how they are reporting as well as to clarify how reports will be provided to DNREC. Additionally, it focuses on ensuring that the quality of finished product is high and conforms to the standards within Permit SW-18/03 and that “unfinished” product will no longer be distributed by Perdue AgriRecycle, LLC.

Through the settlement agreement, DNREC Secretary Garvin issued an Administrative Penalty to Perdue AgriRecycle, LLC for the violations of Delaware’s Regulations Governing Solid Waste. The Settlement Agreement assesses a penalty of \$179,429, which includes \$4,429 from Perdue AgriRecycle, LLC for DNREC cost recovery. Perdue has accepted obligations set forth by DNREC and agreed to corrective actions required by the Department.

The settlement agreement can be found on the DNREC website at [dnrec.alpha.delaware.gov/secretarys-orders/](https://dnrec.alpha.delaware.gov/secretarys-orders/).

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